

**STAFF REPORT**  
**LAKE COUNTY BOARD OF COMMISSIONERS**  
**SUBSEQUENT MINOR SUBDIVISION OF**  
**AMENDED PLAT OF TRACTS B2 AND B3, AIRPORT MINOR SUBDIVISION**  
**December 15, 2022**

**I. General Information:**

Application Type:	Subsequent Minor Subdivision
Date Received:	January 14, 2022
Date Determined Sufficient:	September 29, 2022
Date of Site Visits:	October 25, 2022
Review Period:	60 working days from September 29, 2022
Review Deadline:	December 29, 2022
Effective Subdivision Regulations:	July 1, 2010 (Resolution #10-15)

**II. Scheduled Meeting Dates:**

Planning Board Meeting:	November 9, 2022, at 7:00 p.m.
Commissioner Meeting:	December 21, 2022, at 2:00 p.m.

**III. Project Personnel:**

Owner of Record:	Thomas Newman (Tract B3) Lavon & Sherry Hanson (Tract B2)
Local Agent:	Jack Duffey, Duffey Land Surveying
Surveyor:	Jack Duffey, Duffey Land Surveying

**IV. Brief Property Attributes:**

Property Address:	35081 & 35087 St. Ignatius Airport Road
Short Legal Description:	Tract B2 & B3 Airport Minor Subdivision
Section, Township, Range:	Section 13, Township 18 North, Range 20 West
General Location:	Approximately 1 mile east of US Hwy 93 St. Ignatius
Acreage Involved:	±6.0 acres (2 tracts of record)
Current Land Uses:	Agricultural
Proposed Land Uses:	Aircraft hangars with living quarters
Zoning Designation:	Un-zoned
Development Density:	Community Growth Area
Fire District:	St. Ignatius Rural Fire District
Lake County Herd District:	St. Ignatius Herd District

**V. Brief Proposal Summary:**

Jack Duffey on behalf of Thomas Newman and Hanson Properties LLC, has proposed the removal of an agricultural restriction on two parcels which were created by an exemption. Typically, a two-lot division would not see Planning Board review, nor would there be an agricultural restriction on a subdivision lot. However, the parent parcel was divided by subdivision in 2001 and then incorrectly divided again into two additional lots via an agricultural restriction in 2006. Agricultural restriction should not be used on lots that have been previously through subdivision. It appears that it may have been missed when the review was completed, and the exemption was granted. The removal is being reviewed as a subsequent minor. An agricultural exemption requires the landowner to enter into a covenant with the county requiring that the land will be used exclusively for agricultural purposes and is only revocable by mutual consent of the governing body and the landowner. A change in use subjects the property to subdivision review. [76-3-207(1)(c) and 76-3-207(2)(b), MCA] A

The property is located within the community growth suggested density area per Appendix C of the 2018 Growth Policy. The property as a whole was created in 2006 and had been 73 acres. It was then divided by an agricultural exemption, which did not increase the properties density at the time. The requirements within Appendix C for the Community Growth Standards for development appears to comply.

2. Zoning Regulations

The subject property is located within an un-zoned portion of Lake County.

F. Floodplain:

Land subject to flooding may not be subdivided for building or residential purposes (*LCSR – Section X.D*).

The subject property is located outside of the 100-year floodplain.

G. Lot Design:

Each lot shall contain one or more buildable areas to support the proposed use of the property and conform to health department regulations, applicable zoning regulations, and the subdivision regulations (*LCSR – Section X.G.1*), and subject to sanitation review. Both tracts of property propose a common driveway easement of 30-foot by 30-foot wide located on their common boundary and no other access shall be designated on the remainder of the lot frontage. There are no zoning setbacks and does not appear to be out of compliance with any other standards of those regulations. A summary of the proposed lots is as follows:

1. Tract B2:

As shown on preliminary plat, tract B2 is 3.0 acres. The lot is currently undeveloped and will have a shared access off of St. Ignatius Airport Road.

2. Tract B3:

As shown on the preliminary plat, Tract B3 is 3.0 acres. The lot is currently developed with an existing building. It will have a shared access off St. Ignatius Airport Road. A variance to the roads standards has been applied for. This request will be required to be approved. All conditions imposed by the Lake County Commissioners will be required to be met prior to final plat approval.

**Board:** I want to talk about Lot Design. It says, both tracts of property propose a common driveway easement. And you call it a driveway. The question is there really any subdivision road here at all? If there is no subdivision road, then we get around requiring the variance and things. We just have 2 lots that each would have their own access off of Airport Road. But instead, they decided to share a single access and that access is a driveway its not an internal subdivision road.

**TMurphy:** Steve, if a road accesses more than one lot then it's a road its not a driveway. It doesn't become a driveway until it splits off to access each individual driveway. It's a shared access right there that 30x30 but then when it comes off then it's a roadway until it splits into each of the individual lot. So, it's considered a subdivision road.

The existing roadway approach off St. Ignatius Airport Road currently provides access to both tracts of properties.

2. Roads ending in Turnarounds

The following items pertain to roads ending in turnarounds:

- Where a road terminates, either a cul-de-sac, T-type turnaround, modified “T”-type turnaround shall be provided at the road ending (*LCSR – Section X.I.20.b*).
- The minimum backup length of the Modified “T” turnaround is 35 feet. Each turnaround has two backup lengths (*LCSR – Section X.I.20.f*).
- The minimum width of the Modified “T” ends shall meet the standard of the roadway which it serves (20-24 feet) (*LCSR – Section X.I.20.g*).
- The minimum outside curve radius of the Modified “T” is 25 feet (*LCSR – Section X.I.20.h*).

Alternate designs may be approved if designed and built-in accordance with the most current edition of *A Policy on Geometric Design of Highways and Streets* by the American Association of State Highway Transportation Officials (AASHTO) and when approved by the local fire protection authority (*LCSR – Section X.I.20.i*).

- The preliminary plat does not show a turnaround. Planning staff is suggesting a condition of approval for the shared access road ending in a T-Turnaround, that a T-type turnaround shall be provided at the road ending.

3. Road Use and Maintenance Agreement

Subdivisions with new roads shall include a road maintenance agreement declaration that shall be filed concurrent with or prior to final plat that meets the minimum requirements outlined in the subdivision regulations (*LCSR – Section X.I.9.c*). When access to unsubdivided land is required to be provided via privately maintained roads, the subdivider shall develop a road maintenance agreement with the intent that it be expanded to require the future users of the road extension to be responsible for a proportional share of maintenance and improvement responsibilities and costs. (*LCSR – Section X.I.4*). The subdivision has proposed its own Road Maintenance Declaration for Amended Plat of Tracts B2 and B3, Airport Minor Subdivision.

4. Rights-of-Way and Easements

The following items pertain to rights-of-way-easements:

- Width: Rights-of-way and easements shall be provided as specified in Section X.I (*LCSR – Section X.I.14.a*).
- Use: Rights-of-way and public access and utility easements may be used for roads, common driveways, sidewalks, pedestrian and bicycle paths, snow storage, stormwater management, irrigation facilities and utilities including water supply, wastewater treatment and disposal, telephone, television, power, gas, and other public and private infrastructure (*LCSR – Section X.I.14.b*).
- Easement Reference: The location of any road easements used to access the subdivision must be shown on the preliminary plat or on a supplemental map. The existence of easements providing legal access to the subdivision shall be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision (*LCSR – Section X.I.14.e*).

*The landowner/subdivider proposes a 30-foot-wide shared road, and a road maintenance agreement, resulting in necessary improvements for the proposed subdivision and continued maintenance providing satisfactory access. The shared access road is not expected to generate commercial traffic. Granting a variance to the road requirements of Section X.I. and the construction of the T-Turn around for emergency services then it should not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.*

b. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed:

*The existing soils in the area and found on both of the tracts per Lozar Engineering MDEQ soil report sample of clay loam transitioning to gravelly loam are not appropriate for hard surfacing. Also, the buffer setbacks for the wetlands and the agriculture adjacent to the tracts impose an undue hardship for the owners of the tracts.*

c. The variances will not cause a substantial increase in public costs:

*The landowner/subdivider would be liable for all costs incurred to improve the shared access road. The landowner/subdivider proposes to establish a road maintenance agreement for ongoing maintenance. Approval of this variance request should not cause a substantial increase in public costs if the landowner/subdivider is liable for improvements to ~~Rams View Lane~~ the shared access road and participates in a future RID.*

d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations:

*The proposed subdivision is in an area that is not zoned.*

#### 6. Requirements and Staff-Recommended Conditions

The following items pertain to the proposed internal subdivision road:

- If the variance is not approved all internal access roads and turnarounds shall be developed to Lake County Road Standards including a minimum width of 20-feet; an asphalt, double chip-seal, or other all-season hard surface and located within a 60-foot right of way. All approved stormwater management infrastructure/techniques for the roadway shall be installed/developed, and prior to final plat filing an engineer licensed in the State of Montana shall certify the roadways and turnarounds have been built to Lake County standards and that all proposed stormwater techniques have been implemented during and after construction.

Planning Staff recommends approval of the variance as follows:

*Approval of X.I.3 - Engineer's Certification Required Prior to final plat filing, all subdivision roads shall be certified as having been built according to the standards in this chapter by an engineer licensed in the State of Montana.*

All subdivisions shall be planned, designed, constructed, and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property and forested areas (*LCSR – Section X.R*).

1. Fire Department Comment:

No comment was received from St. Ignatius Fire Department even though a request for comment sent

2. Fire Protection Plan

Application materials include a Fire Protection Plan providing measures to address the following:

a. The placement of structures so as to minimize the potential for flame spread and to permit adequate access for firefighting equipment.

Maximum fuel storage container amount shall be limited to 100 gallons at one time an approved fuel tank or container. All fuel shall be stored outside or under cover outside in a well-ventilated area, 50 feet from an aircraft hangar.

b. The presence of adequate firefighting facilities either on site or in the vicinity of the subdivision, including an adequate water supply and distribution system.

The St. Ignatius Fire Department is located 1.5 miles from the subdivision.

c. The availability, through a fire protection district or other means, of fire protection services adequate to respond to fires that may occur within a subdivision.

A fire extinguisher shall be in the area and accessible before refueling an aircraft, vehicle, or equipment.

3. Requirements:

The following items pertain to fire protection for the proposed subdivision lots:

- Historically, Lake County has required the subdivider to donate \$100 per lot within their proposed subdivision to the local fire department for use as discretionary funds to mitigate the impacts to public health, safety, and welfare associated with the creation of additional lots. A condition has been included requiring the subdivider to provide the Planning Department of evidence of donating \$100 for each lot to the St. Ignatius Rural Fire Department.
- Fire control plan shall be recorded prior to or in concurrent with the final plat.

M. Water Supply, Storm Water, Solid Waste, and Wastewater Treatment Systems:

The subdivider shall provide along with the preliminary plat application the water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems information required in 76-3-622, Montana Code Annotated (*LCSR - Section X.T, X.U, X.V, X.K*).

1. Existing Facilities:

No existing facilities.

The following items pertain to the water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems water supplies for the proposed subdivision lots:

- The governing body shall not approve the final plat of a subdivision containing lots of less than 20 acres in size unless the subdivision has been approved by DEQ or other authorized reviewing authority under the Sanitation in Subdivisions Act, 76-4-101 *et seq.*, MCA (*LCSR Section X.T.2, X.U.3, X.V.3, X.K.5*).
- For subdivisions that will create one or more parcels containing less than 20 acres, the proposed method of supplying domestic water, disposing of wastewater, and disposing of solid waste in the subdivision must comply with the Montana Sanitation in Subdivision Act, 76-4-101 *et seq.*, MCA and design standards adopted by the Montana DEQ and the associated Administrative Rules of Montana (ARM) (*LCSR Section X.T.3, X.U.2, X.V.2*).
- The subdivider shall provide suitable stormwater drainage facilities, including retention and detention structures in accordance with the specifications of the Montana DEQ (*LCSR Section X.K.1*).
- Due to the uncertainty on how the proposed subdivision fits within the implementation of the Compact, a condition of preliminary plat approval has been included requiring the owner to file a signed disclosure and indemnification statement along with the final plat stating that Lake County will be held harmless in the event that future lot owners in this subdivision cannot legally use water.

N. **Utilities:**

Utilities shall be installed to each lot by the subdivider prior to final plat filing unless part of an approved subdivision improvements agreement or otherwise approved by the governing body (*LCSR Section X.W.1*).

2. **Current Status:**

Utilities currently exist along St. Ignatius Airport Road. Mission Valley Power service application submitted, and fee was paid for Aid to Construction ATC for underground service from St. Ignatius Airport Road to proposed hangars. Blackfoot Telecommunications Group commented that they currently have facilities in the general area, however additional charges may apply towards providing facilities to that location.

3. **Proposed Utilities:**

The preliminary plat shows a 30-foot private access easement and public utility easement associated with the internal subdivision roads which allows utilities to be extended underground.

4. **Requirements:**

The following items regarding utilities pertain to the proposed subdivision lots:

- Utilities shall be installed to each lot by the subdivider prior to final plat filing unless part of an approved subdivision improvements agreement or otherwise approved by the governing body. (*LCSR Section X.W.1*)
- Utilities must be placed underground wherever practical. If placed within a road right-of-way or easement, utilities must be placed between the roadway and right-of-way lines to simplify location and repair of lines. (*LCSR Section X.W.3*)



that was abandoned. The houses that are on the north side of Airport Road is Avigation Acres I believe that it is what it's called. At one time that it was a 48-acre field it was serviced by that ditch and when that was bought and chopped up by Bob Kimball that ditch got shut down. So, we spent the money and laid the pipe in and there hasn't been a drop of water through that in probably 25 years. Ok. So, it's an abandoned ditch.

Board: its an abandoned ditch. Then ok.

Chairman of the Airport Board: Our track is on the east side of the airport and there's nothing that feeds the airport on the east side.

Board: The ditch is not on either of these two properties?

Chairman of the Airport Board: No, there's a ditch on the other side of the Airport Road that feeds Theo Green and the Olmsteads, but that's nowhere on our side of Airport Road. And that's that 100-foot buffer so everything is well beyond that 100-foot buffer of that ditch that we're talking about.

Board: Ok. Thanks. That clears that up.

2. Comment from Federal Indian Irrigation Project:

There has been no comment from the Flathead Indian Irrigation Project.

P. Park Land Dedication:

Parkland dedication requirements of these regulations shall be applied to all major/minor subdivisions (*LCSR Section X.AA*).

1. Proposed parkland:

The division will have a Parkland responsibility. The developer intends to pay a cash in lieu of land donation.

2. Requirements:

- The final plat of a residential subdivision must show that the subdivider has dedicated to the governing body a cash or land donation equal to 2.5% of the area of the land proposed to be subdivided into lots larger than three acres and not larger than five acres (*LCSR Section X.AA.1*)

Q. Noxious weeds:

The preliminary plat application for a proposed subdivision is required to include evidence addressing the property's existing and future compliance with the Lake County Noxious Weed Management Plan and Montana County Noxious Weed Law (*LCSR Section X.BB*). The following items address compliance with this requirement:

1. Site evaluation:

The Lake County Weed District Coordinator completed a weed assessment on the property and provided comment on May 12, 2022, that is valid for a period of 18 months. Noxious weeds were identified during the inspection, along with other noxious weeds known to be in the surrounding area which may become a problem once further improvements begin, and soil disturbance occurs. All the mentioned weeds will need to be closely monitored and controlled as needed.

2. Weed summary:

The following noxious weeds located on the property or in the area as determined by the site evaluation:

K. **Natural environment:**

1. **Existing wetlands, streams, and associated drainage areas:**

According to the National Wetlands Inventory, a riverine exists on subject property Tract B3. Per the national wetland inventory, these specific wetland habitats are a Riverine habitat known as R4SBC, which is an intermittent streambed, and is seasonally flooded. As part of the requirements of this section, a buffer management plan will be required, and setbacks of 100-feet will require compliance prior to filing of the final plat.

**Minimum Structural Setback and Vegetative Buffer Requirements**

Water Body Type	Minimum Structural Setback	Minimum Vegetative Buffer
Streams & Lakes	150 feet	100 feet
Wetlands & Ponds	100 feet	50 feet

S. **Historical and Cultural Resources:**

The design and development of a subdivision must account for all historical and cultural resources. Each preliminary plat application shall include the describe and locate on a plat overlay or sketch map any known or suspected historic or cultural resources which may be affected by the proposed subdivision, including but not limited to paleontological or archeological sites, structures, or objects; a description of any protective measures or plans to protect such resources; and discuss the impact of the proposed development on any historic features and the need for an inventory, study and/or preservation with the State Historic Preservation Office or Confederated Salish & Kootenai Tribes as appropriate. The subdivider shall provide a written statement outlining any recommendations of the SHPO or CSKT and addressing any plans for inventory, study and/or preservation and mitigation planned to overcome any potentially adverse impacts. (*LCSR - Section X.GG*). Comments were requested from the Confederated Salish and Kootenai Tribes Tribal Preservation Department regarding the proposed subdivision.

CS&KT provided comment that they conducted research within the State Historic Preservation Office Cultural Resource Database, and it showed zero finds of archaeological sites within the legal location provided. Tribal Preservation Cultural Resource Database shown one find of a site within the legal location provided. It was determined this project will not have an adverse effect to the site identified within the legal location. CSKT TPD is confident the project can continue without a staff member present during the last phase of well and sewer installation at the hangar locations. Planning staff is suggesting a condition of approval is suggested which states that if any resources or site locations are located during the project, cease activity in the vicinity of the cultural and/or historical resource and contact the Tribal Preservation Office (TPO) and the Montana Historical Society immediately. (*LCSR - Section X.GG*)

T. **Service Provider Comments:**

Comments were obtained from the council of the Town of St. Ignatius approving the change of use of Tracts B2 and B3 of the airport Minor Subdivision from agricultural use only to construction of a hangar with an apartment and utilities on each of the two tracts. Comments were received from Lake County Solid Waste, Lake County Sheriff's Office, St. Luke Community Healthcare, St. Ignatius School District, CS&KT Tribal Preservation Department, St. Ignatius Post Office, Blackfoot Telecommunications Group, Allied Waste Services, Mission Valley Power; all indicating they could serve the proposed subdivision and/or had no concerns.



**SUGGESTED FINDINGS OF FACT  
LAKE COUNTY BOARD OF COMMISSIONERS  
SUBSEQUENT MINOR SUBDIVISION OF  
AMENDED PLAT OF TRACTS B2 AND B3, AIRPORT MINOR SUBDIVISION  
DECEMBER 15, 2022**

The proposal was evaluated by Planning Department Staff in consideration of the criteria set forth in the Montana Subdivision and Platting Act and the Lake County Subdivision Regulations. After review of the proposed subdivision, application, and related submittal information, the Lake County Planning Department Staff propose the following findings of fact:

**1. Relevant evidence relating to public health, safety, and welfare**

The preliminary plat application and this report provide the record of the relevant evidence related to public health, safety and welfare including:

- a. The subdivider has proposed individual wells and septic tanks to serve each tract, which shall be reviewed and approved by the Montana Department of Environmental Quality (MDEQ) if this subdivision were to obtain preliminary approval.
- b. An engineered stormwater management plan is required to be reviewed and approved by MDEQ.
- c. Each lot owner will be required to obtain a building notification permit at the time of development to assure compliance with subdivision and sanitation requirements (this includes prior to the connection to sewer and water for the existing structure).
- d. A perpetual condition is included requiring building heights shall not exceed 50 feet in average height.
- e. The subdivider will be required to implement the Fire Prevention and Control Plan approved by the governing body before final plat approval.
- f. The subdivider will be required to provide evidence of a \$100 payment for each lot (\$200 total) to the St. Ignatius Rural Fire Department.
- g. The subdivider will be required to install the proposed subdivision road approaches for the subdivision prior to final plat in compliance with the terms and conditions of the approach permit.
- h. The private internal subdivision road is used and maintained in compliance with the approved road use and maintenance agreement.
- i. The lot owners will be required to waive their right to protest rural improvement districts (RIDs).
- j. Wetland setbacks and buffers are maintained as approved and in accordance with Lake County Subdivision Regulations.
- k. Dust is controlled in accordance with the dust control plan.
- l. Utilities are installed underground to each lot.
- m. Future mailboxes are installed in compliance with all reasonable requests of the local postmaster.
- n. The lot owners are required to display an address issued by Lake County visibly on their lot.
- o. Noxious weeds are required to be managed in compliance with a weed plan approved by the Weed Control District, in addition to all applicable local and state laws.

**2. The Lake County Growth Policy**

The Lake County Growth Policy is a general policy document that meets the requirements of 76-1-601, MCA and was adopted on August 21, 2018. Many of the Goals and Objectives outlined in Chapter 9 of the Growth Policy are applicable to the proposed subdivision; and can be met if

Comments were obtained from the council of the Town of St. Ignatius approving the change of use of Tracts B2 and B3 of the airport Minor Subdivision from agricultural use only to construction of a hangar with an apartment and utilities on each of the two tracts. Comments were received from Lake County Solid Waste, Lake County Sheriff's Office, St. Luke Community Healthcare, St. Ignatius School District, CS&KT Tribal Preservation Department, St. Ignatius Post Office, Blackfoot Telecommunications Group, Allied Waste Services, Mission Valley Power; all indicating they could serve the proposed subdivision and/or had no concerns.

If the subdivision's driveway approaches are installed according to the terms and conditions of the required approach permit; power and telephone and/or data services are extended underground to each lot in accordance with the subdivision regulations and to the requirements of the utility companies; all necessary approvals are obtained; current and future lot owners waive their right to protest RIDs for the county roads; donation of \$100 per lot to the St. Ignatius Rural Fire Department; and building notification permits are obtained for all new and/or change of use; then the impact on local services should be minimal.

#### **IV. Effect on the Natural Environment:**

##### **1. Definition:**

These are the physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, sound, light and objects of historic and aesthetic significance. (*LCSR Section XI*)

##### **2. Findings:**

The proposed subdivision occurs on property that has a riverine shown on the national wetland inventory map. The applicant's agent is proposing to comply with the setback and buffer. The property is currently used for ~~agricultural purposes~~. The application materials state that there are no known areas with historic, paleontological, archaeological, or cultural objects located on the property. The State Historic Preservation Office (SHPO) was contacted and reports no record of any historical or culturally significant use on the property.

No stream banks or lake shores will be altered, run off will not leave the subdivision. Groundwater will not be contaminated or depleted as a result of the subdivision. Well logs in the area have shown adequate water quality and quantity. No steep slopes located on the property. There will be no substantial removal of any vegetation and a plan **is in place** for replanting grass after construction.

If future use and development of the property complies with the subdivision approval and perpetual conditions, structural setbacks and vegetative buffers are maintained as approved, natural drainages are maintained in compliance with the MDEQ subdivision approval statement, noxious weeds are managed on site, sound building practices are used (including approved stormwater management techniques), and vegetation surrounding the property is maintained; the subdivision should have minimal effects on the natural environment.

#### **V. Effect on Wildlife:**

##### **1. Definition:**

Wildlife is defined as all birds, mammals, amphibians, reptiles, and fish that are not domesticated or tamed. (*LCSR Section XI*)

If the preliminary plat and associated documents are revised as discussed within this report prior to being recorded, they would reasonably comply with the requirements of the subdivision regulations.

**c. The Local Zoning Regulations:**

The property is not currently zoned.

**d. Other regulations in effect in the area of the proposed subdivision:**

Other regulations in effect include the Lake County Rural Addressing Resolution and the Sanitation in Subdivisions Act. The Addressing Resolution will require all lots within the subdivision to be located by a Global Positioning System (GPS) and be incorporated into the County's E-911 program. The Sanitation in Subdivisions Act governs water supply, sewage disposal, and stormwater runoff within subdivisions. The Lake County Environmental Health Department and/or MDEQ will review the subdivision after preliminary plat approval and the final plat approval will require evidence of compliance with the sanitation regulations.

**5. Provision of easements for the location and installation of any planned utilities:**

The proposal currently provides adequate access and utility easements for within the subdivision along all internal subdivision roads and all necessary easements shall be clearly depicted on the final plat to adequately satisfy these requirements. The utility easement and the service provider right-to-access statement found in Section X.W.9 of the Subdivision Regulations shall appear on the final plat.

**6. Provision of legal and physical access to each parcel:**

Both tracts within the subdivision will share a legal and physical vehicular access to internal privately maintained roadways proposed from the existing St. Ignatius Airport Road approach. Current and future lot owners within the subdivision will be required to waive their right to protest rural improvement districts (RIDs).

If the proposed shared access approach is constructed in compliance with the Lake County Subdivision Regulations and terms and conditions of the required approach permit; then subdivision is not expected to have a significant impact on access, traffic, or public roadways.

9. The following structural setbacks shall be maintained and shown on the plat:
  - A minimum of 100-feet from all neighboring agricultural activities
  - A minimum of 100-feet from the wetland areas
10. The Buffer Management Plan for the Protection of Surface Water Quality approved by the Board of Lake County Commissioners shall be filed with the final plat. The Buffer Management Plan shall be updated to reflect the subdivision approval including correct setbacks. (*LCSR X.DD*)
11. The statement dedicating the new subdivision road for public use and private maintenance found in Section X.I.9.b of the subdivision regulations shall appear on the final plat. (*LCSR Section X.I, Findings of Fact*)
12. Any shared user agreements, including the final road use and maintenance agreement approved by the governing body and shared well agreements shall be submitted and filed for any shared infrastructure within the subdivision prior to recording the final plat. (*LCSR Section II.K and X.I, Findings of Fact*)
13. A dust control plan shall be filed with the final plat materials, which accurately reflects dust abatement during construction within the subdivision. (*LCSR Section X.I, Findings of Fact*)
14. Prior to final plat approval, all new power and wired telephone and/or data service utilities shall be installed underground to each lot in accordance with Section X.W of the subdivision regulations. (*LCSR Section X.W, Staff Report, Findings of Fact*)
15. The utility easement and the service provider right-to-access statement found in Section X.W.9 of the subdivision regulations shall appear on the final plat. (*LCSR Section X.W, Findings of Fact*)
16. Prior to final plat approval, a proposal for mail service shall be reviewed and approved by the local postmaster and the subdivider will be required to comply with the standards of the U.S. Postal Service. (*LCSR Section X.N, Findings of Fact*)
17. Prior to final plat approval, the subdivider shall provide the Planning Department evidence of donating \$100 per lot (\$200) to the St. Ignatius Rural Fire Department to be used by the department as discretionary funds. (*Staff Report, Findings of Fact*)
18. The final Noxious Weed Management Plan approved by the Lake County Weed Control District and signed by the property owner shall be filed with the final plat. Prior to final plat approval, the applicant is required to demonstrate compliance with Section X.BB of the Subdivision Regulations. (*LCSR Section X.BB, Staff Report, Findings of Fact*)
19. The subdivider shall provide copies to be filed of all deed restrictions and covenants associated with the proposed subdivision to be filed with the recording of the final plat. (*LCSR II.K.4, Staff Report*)
20. Prior to final plat approval, the subdivider has a Parkland responsibility. The subdivider shall demonstrate compliance with the parkland requirements by providing a cash in lieu parkland donation. (*LCSR Section X.AA*)
21. The landowner shall sign and file the following statement with the Lake County Clerk & Recorder prior to or concurrent with the recording of the final plat:

31. The physical address shall be prominently displayed at a location on the property that will allow visibility from the primary access to the property for emergency vehicles. (*Lake County Resolution #07-41*)
32. Current and future lot owners are put on notice that landowners adjacent to the subdivision actively farm and ranch their lands. Such farm and ranch activities include, without limitation, spraying and crop dusting, utilization of heavy machinery, grazing, feeding, watering of stock and fowl, cultivation, planting and harvesting of crops and hay, baling of hay, and harvesting and otherwise managing timber resources. All subdivision lot owners understand and agree that such farm and ranch activities can create, without limitation, noise, dust, allergens and offensive odors, and all subdivision lot owners hereby waive all rights to protest or take any other action that would in any way inhibit the subdivision's adjacent landowners from engaging in farm or ranch activities. (*76-3-608(3)(c), effect on agriculture*)
33. If cultural materials are inadvertently discovered during any development of the parcels the Confederated Salish & Kootenai Tribe Cultural Preservation Office and State Historical and Preservation Office shall be contacted, and the site shall be investigated. (*LCSR - Section X.GG*)
34. All current and future lot owners are required to manage and control weeds within their lot boundaries in accordance with the local and State weed laws and any existing weed management plans for the subdivision or its lots. (*LCSR*)
35. The current and future owners of lots within this subdivision waive the right to protest rural improvement districts (RIDs) created to bring St. Ignatius Airport Road and its associated stormwater drainage areas up to the design and construction standards of the subdivision regulations in effect at the time of this review. This condition shall remain in full effect for 20 years from the date that the final subdivision materials are recorded for this subdivision. [*Staff Report, Findings of Fact, MCA 76-3-608(7)*]

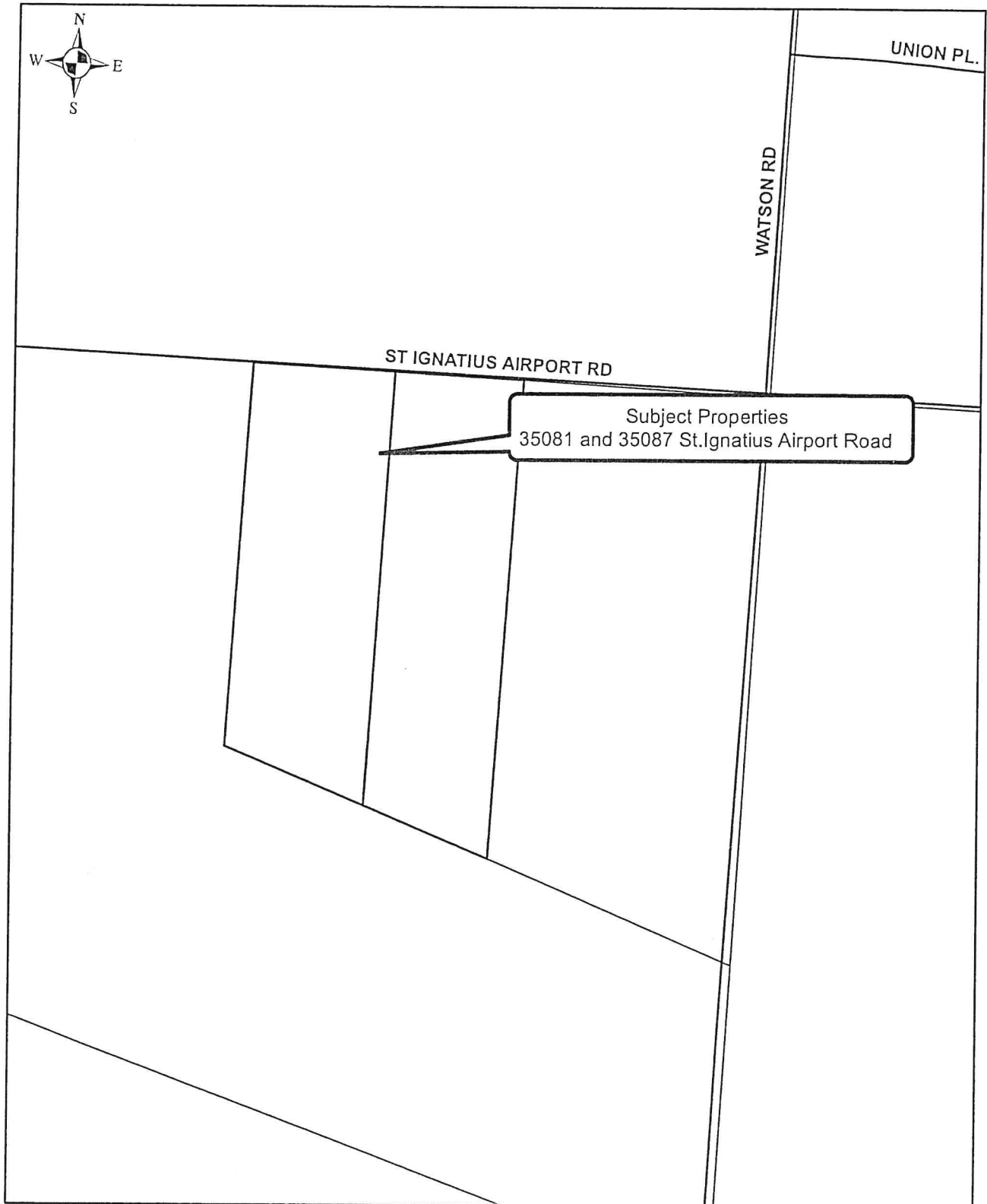
This recommendation for approval is for the revocation of the agricultural covenant on Tract B2 & B3 of Airport Minor Subdivision for the development of hangars with living quarters. This approval allows for Tract B2 & B3 to be developed with one (1) hangar each with living quarters in compliance with Appendix C of the Lake County Growth Policy. All development must comply with all applicable sanitation regulations. Any other use would require additional review and approval from Lake County. This approval does not allow for commercial, multi-family, use of guest houses, or short-term vacation rentals.

Conditional approval will expire three (3) years from the date of preliminary approval unless the subdivider and Board of Lake County Commissioners agree to an extension.

# VICINITY MAP

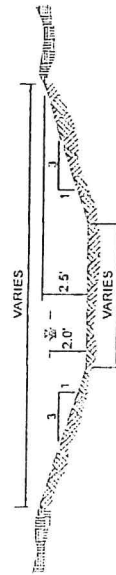
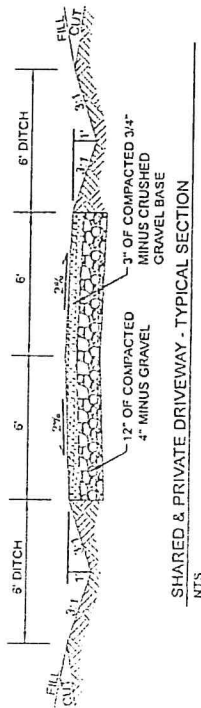
## LIFTING OF TWO AG RESTRICTIONS

### SUBSEQUENT MINOR SUBDIVISION





- 1 PRIMARY ABSORPTION AREA (DRAINFIELD)
- 2 REPLACEMENT ABSORPTION AREA (DRAINFIELD)
- 3 51" x 21" W x 2.5' D STORMWATER RETENTION FACILITY
- 4 45" x 19" W x 2.5' D STORMWATER RETENTION FACILITY
- 5 HANSON AIRPLANE HANGAR
- 6 NEWMAN AIRPLANE HANGAR
- 7 PROPOSED WELL LOCATION
- 8 50-FT RADIUS WELL ISOLATION ZONE
- 9 100-FT RADIUS WELL ISOLATION ZONE
- 10 100-FT MIXING ZONE - STANDARD
- 11 177-FT ABSORPTION AREA WIDTH PERPENDICULAR TO CH2O DIRECTION
- 12 35-FT ACCESS & UTILITY EASEMENT
- 13 12-FT WIDE SHARED & PRIVATE DRIVEWAY
- 14 POWER UTILITY
- 15 MISSION 9-B SUBLATERAL & NWI WETLAND
- 16 10-FT PROPERTY SETBACK
- 17 APPROXIMATE LOCATION OF APPROVED 100-FT WELL ISOLATION ZONE
- 18 APPROXIMATE LOCATION OF APPROVED ABSORPTION AREA
- 19 136-FT ABSORPTION AREA WIDTH PERPENDICULAR TO GH2O DIRECTION
- 20 100-FT SETBACK TO MISSION 9-B SUBLATERAL & NWI WETLAND (SURFACE WATER)

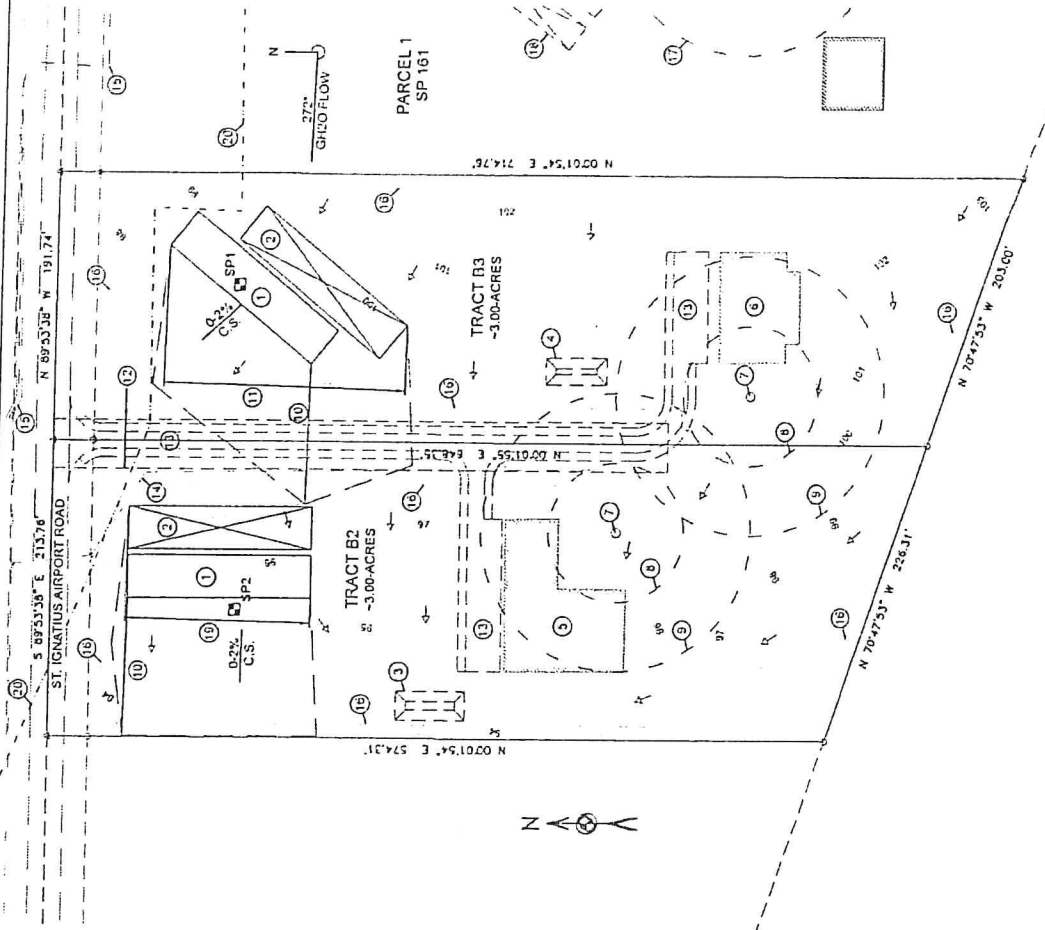


VARIOUS SITE FEATURES EXTRAPOLATED FROM GOOGLE EARTH IMAGERY AND 2016 LAKE COUNTY LIDAR DTM DATA.

LOT DIMENSIONS FROM AIRPORT MINOR SUBDIVISION BEING AMENDED PARCEL B ON THE AMENDED SUBDIVISION PLAT; TOPOGRAPHIC FEATURES PER DUFFEY LAND SURVEYING; LOZAR ENGINEERING, PLLC DID NOT VERIFY ANY CADASTRAL OR TOPOGRAPHIC ELEMENTS OF THE SURVEY HEREIN

GROUNDWATER FLOW DIRECTION PER LAFAVE POTENTIOMETRIC MAPPING OF LAKE AND SANDERS COUNTY

THERE ARE NO KNOWN WELLS OR DRAINFIELD/ABSORPTION AREAS WITHIN 100-FT OF THE SUBJECT PROPERTY'S BOUNDARIES BEING REVIEWED FOR SANITATION, UNLESS NOTED OTHERWISE



SHEET 1 OF 1	LOT LAYOUT	PROJECT NO. 14-119
AMENDED PLAT OF TRACT B2 AND TRACT B3 AIRPORT MINOR SUBDIVISION NE 1/4 SEC 20W LAKE COUNTY, MT	DATE 10/10/21	DRAWN BY: DAK
1:1111 (The National Map, 1:1111 Scale, 1:1111 Scale, 1:1111 Scale)	SCALE	170'
1:1111 (The National Map, 1:1111 Scale, 1:1111 Scale, 1:1111 Scale)	SCALE	170'
1:1111 (The National Map, 1:1111 Scale, 1:1111 Scale, 1:1111 Scale)	SCALE	170'

